

Introduced by Senator Hollingsworth

February 22, 2005

An act to amend Section 17070.75 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1035, as introduced, Hollingsworth. School facilities maintenance: cleaning costs.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's general fund for the purpose of providing money for ongoing and major maintenance of school buildings.

This bill would allow school districts to use up to one-third of the annual deposits to the restricted account for the regular routine cleaning required to ensure that facilities are appropriately maintained.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 17070.75 of the Education Code is amended to read:

17070.75. (a) The board shall require the school district to make all necessary repairs, renewals, and replacements to ensure that a project is at all times maintained in good repair, working order, and condition. All costs incurred for this purpose shall be borne by the school district.

(b) In order to ensure compliance with subdivision (a) and to encourage school districts to maintain all buildings under their control, the board shall require an applicant school district to do all of the following prior to the approval of a project:

(1) Establish a restricted account within the general fund of the school district for the exclusive purpose of providing moneys for ongoing and major maintenance of school buildings, according to the highest priority to funding for the purposes set forth in subdivision (a).

(2) (A) Agree to deposit into the account established pursuant to paragraph (1), in each fiscal year for 20 years after receipt of funds under this chapter, a minimum amount equal to or greater than 3 percent of the total general fund expenditures of the applicant school district, including other financing uses, for that fiscal year. Annual deposits to the account established pursuant to paragraph (1) in excess of 2½ percent of the school district general fund budget may count towards the amount of funds required to be contributed by a school district in order to receive apportionments from the State School Deferred Maintenance Fund pursuant to Section 17584 to the extent that those funds are used for purposes that qualify for funding under that section. *Up to one-third of the annual deposits to the account established pursuant to paragraph (1) may be used for the regular routine cleaning required to ensure facilities are appropriately maintained.*

(B) Notwithstanding subparagraph (A), for the 2004–05 fiscal year only, an applicant school district shall deposit into the account established pursuant to paragraph (1), no less than 2 percent of the total general fund expenditures of the school district, including other financing uses, for the fiscal year. The annual deposit to the account in excess of 1½ percent of the

1 school district general fund budget for the 2004–05 fiscal year
2 may count towards the amount that a school district is required to
3 contribute in order to receive apportionments from the State
4 School Deferred Maintenance Fund pursuant to Section 17584 to
5 the extent that those funds are used for purposes that qualify for
6 funding under that section.

7 (C) A school district contribution to the account may be
8 provided in lieu of meeting the ongoing maintenance
9 requirements pursuant to Section 17014 to the extent the funds
10 are used for purposes established in that section. A school district
11 that serves as the administrative unit for a special education local
12 plan area may elect to exclude from its total general fund
13 expenditures, for purposes of this paragraph, the distribution of
14 revenues that are passed through to participating members of the
15 special education local plan area.

16 (D) This paragraph applies only to the following school
17 districts:

18 (i) High school districts with an average daily attendance
19 greater than 300 pupils.

20 (ii) Elementary school districts with an average daily
21 attendance greater than 900 pupils.

22 (iii) Unified school districts with an average daily attendance
23 greater than 1,200 pupils.

24 (3) Certify that it has publicly approved an ongoing and major
25 maintenance plan that outlines the use of the funds deposited, or
26 to be deposited, pursuant to paragraph (2). The plan may provide
27 that the school district need not expend all of its annual allocation
28 for ongoing and major maintenance in the year in which it is
29 deposited if the cost of major maintenance requires that the
30 allocation be carried over into another fiscal year. However, any
31 state funds carried over into a subsequent year may not be
32 counted toward the annual minimum contribution by the school
33 district. A plan developed in compliance with this section shall
34 be deemed to meet the requirements of Section 17585.

35 (c) A school district to which paragraph (2) of subdivision (b)
36 does not apply shall certify to the board that it can reasonably
37 maintain its facilities with a lesser level of maintenance.

38 (d) For purposes of calculating a county office of education
39 requirement pursuant to this section, the 3 percent maintenance

1 requirement shall be based upon the county office of education
2 general fund less any restricted accounts.

3 (e) As a condition of participation in the school facilities
4 program or the receipt of funds pursuant to Section 17582, for a
5 fiscal year after the 2004–05 fiscal year, a school district shall
6 establish a facilities inspection system to ensure that each of its
7 schools is maintained in good repair.

8 (f) For purposes of this section, “good repair” has the same
9 meaning as specified in subdivision (d) of Section 17002.

10 SEC. 2. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety
12 within the meaning of Article IV of the Constitution and shall go
13 into immediate effect. The facts constituting the necessity are:

14 In order to authorize school districts to use moneys reserved
15 for deferred maintenance for regular routine cleaning of school
16 facilities beginning with the 2005–06 fiscal year, it is necessary
17 for this act to take effect immediately.